

h



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,592	04/14/2000	Yoshiki Shiraishi	Q58859	8442

7590 09/09/2005

SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 Pennsylvania Avenue N W
Washington, DC 20037

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,592

Applicant(s)

SHIRAISHI ET AL.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 7-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Specification

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The specification appears to be a machine translation of a foreign language document, and still contains many grammatical errors as well as unusual phrasing which is difficult to comprehend. The Applicants' representative has asked for specifics, and the examiner will attempt to point out a few of these items.

On page 1, the paragraph starting on line 13 contains the wording "This car image display apparatus detects a car traveling state, and while the car is stopped, the image display is allowed, and while the car is traveling, the image display is inhibited, thereby, the safety measure is adopted for the driver." This sentence is run-on, and the phrase "the safety measure is adopted for the driver" can be made more clear by using terminology such as –safety is improved.–

On page 1, the paragraph starting on line 20 contains the language "The above conventional car equipment inhibits especially the display of dynamic image during car traveling, and thereby makes the driver so that he can secure the safety driving, therefore, the equipment has a greatly excellent effect." Again, this phrasing is clearly a translation of a foreign document, and is not in idiomatic English as is required. The phrasing could be made more clear by using wording such as –The conventional automobile equipment described above inhibits the display of moving images while the

Art Unit: 2616

vehicle is in motion, allowing the driver to concentrate on safe operation of the vehicle.—

While the examiner believes the disclosure is generally comprehensible, he also believes that it is to the applicant's advantage to have a disclosure that is clear and concise when the application is issued.

Response to Arguments

2. Applicant's arguments filed 22 June 2005 have been fully considered but they are not persuasive.

In re page 8 and claim 2, applicant's representative states: "Mori does not disclose that the status of the image information is reported. The Examiner alleges that this feature is disclosed at column 18 of Mori. However, column 18 of Mori merely discloses that a remote control 91 is used to control the states of the television monitor or DVD player by sending infrared signals. This infrared signal is not reported by the system controller 93 (controller) and is not based on a vehicle state of motion."

The examiner respectfully disagrees. The cited passage (Col 18, lines 25-27) clearly discloses an indication of the reception of a signal, which meets the limitation as recited. The examiner would suggest that the claim recite that the indication is made to the driver or passenger. Further, the claim does not make a connection between the detector that detects whether a vehicle is stopped and the control information. The examiner would suggest that such a connection would overcome the cited prior art rejection.

In re page 9 and claim 3, applicant's representative states: "Mori does not disclose that the controller is provided with a memory for previously storing report data to report the playback control state according to the report data corresponding to the control information. For example, Mori column 13, lines 23 to 25 (alleged by the Examiner as corresponding to a memory for previously storing report data) merely relates to a stored data structure of the video title set 600 shown in FIG. 6. This disclosure is not related to the recited memory for previously storing report data."

The examiner again respectfully disagrees. After extensive study of the specification, the examiner is unclear as to exactly what "report data" is. It could be navigation data allowing the player to access the point at which playback was stopped, it could be on-screen character font data, or perhaps some other data that was previously stored in the player. Applicant's representative has not provided the examiner with clarification of the terminology, but merely said that the cited prior art is not related to the claimed feature.

In re page 10 and claim 5, Applicant's representative states: "The Examiner acknowledges that Mori does not disclose that a 'play back control state is displayed in a display form of a superposition display.' Accordingly, the Examiner looks to the superposition display of Moriyama in an attempt to make up for this deficiency. However, Moriyama's mere disclosure of the use of characters superimposed on a display screen does not make up for the fact that Mori does not disclose that the status of the image information is displayed."

The examiner respectfully disagrees. Taken as a whole, Mori discloses the use of on-screen displays (Figs. 5, 10, and 15) in a DVD player, but does not specifically disclose their use as a status display. Moriyama also discloses the use of an on-screen display for status information on a DVD player, as cited in the previous office action. The inclusion of a known feature in a similar device is the basis for the obviousness rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-4 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Mori et al (6,208,802).

Regarding claims 2-4, Mori et al disclose an information reproducing apparatus which plays back an information medium in which at least image information and control information to control a play back form of the image information are recorded (Col 2 lines 9-13 “a reproduction apparatus for reproducing an optical disk, the optical disk including a data region and a management region, the data region storing: at least one audio object containing audio information; and at least one video object containing video

Art Unit: 2616

information and audio information, wherein the management region stores a plurality of first management information units for managing progress of reproduction");

- a detector that detects whether a vehicle is stopped (Col 21, lines 53-55 "It can be detected whether or not an automobile is at rest by detecting, for example, the state of the parking brake or gearshift");
- a controller that plays back and controls the image information in a display form according to the control information (Col 2, lines 14-18 "the management region stores...a plurality of second management information units for managing progress of reproduction of the at least one video object"), and that reports the play back control state, when the control information is detected at the time of play back of the information medium (Col 18, lines 25-27 "the remote control reception section 92 generates an interrupt signal indicative of the reception of a key signal from the remote control 91"),
- wherein the controller stops the playback of the image information and reports the play back control state, when the detected control information is information to stop the playback (Col 18, lines 25-27 "the remote control reception section 92 generates an interrupt signal indicative of the reception of a key signal from the remote control 91");
- wherein the image reproducing apparatus continues to reproduce the image information and the controller inhibits display of the image information and reports a status of the image information, when the detector detects that the vehicle is not stopped (Col 21, lines 45-49 "if the automobile is not moving,

the reproduction mode may be switched to a video-oriented reproduction mode; conversely, if the automobile is moving, the reproduction mode may be switched to an audio-oriented reproduction mode" and Col 5, lines 15-19 "various modes of viewing/ listening as desired by a user, between exclusive reproduction of audio information, reproduction of both video information and audio information, and selective reproduction of either video information or audio information").

Further regarding claim 3, Mori et al disclose an information reproducing apparatus wherein the controller is provided with a memory for previously storing report data to report the playback control state, and to report according to the report data corresponding to the control information (Col 13, lines 23-25 "The PGC connection information 641 stores the indices of the PGC information units 631 to be jointed before and after the PGC information 631").

Further regarding claim 4, Mori et al disclose an information reproducing apparatus wherein the control information has at least any one piece of information of play back stop, still image play back, and automatic play back start of the image information (Col 7, lines 41-43 "an audio manager for performing automatic reproduction at the time of inserting a disk").

Regarding claim 8, Mori et al disclose an information reproducing apparatus wherein when a certain time has passed or a direction of start of a moving picture is given, the controller automatically returns the display to play back of the moving picture

Art Unit: 2616

(Fig. 13A, step S141 "Execute control command" and S142 "Reproduction of title in video-oriented reproduction mode").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al as applied to claims above, and further in view of Moriyama (4,680,647).

Regarding claim 5, Mori et al do not disclose an information reproducing apparatus wherein the play back control state is displayed in a display form of a superimposition display.

Moriyama teaches displaying play back control states with a superimposition display (Col 26, lines 6-9 "a control function for...displaying characters on the black background, or adding characters to a video signal").

As taught by Moriyama, superimposition is a well known, widely used, and commercially available method of providing a variety of information to the user, including the state of playback.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mori et al to include a superimposition playback status display.

Regarding claim 7, Mori et al disclose an information reproducing apparatus wherein the information reproducing apparatus is provided with a reproduction device and speed detector operable to detect the present speed of the vehicle (Col 20, lines 49-51 "a control signal indicating the state of motion of the automobile"), and when the detector detects that the vehicle is not stopped, the information reproducing apparatus displays and controls the information of the speed detector, and reports the play back control state (Col 20, lines 44-53 "For example, if the automobile is not moving, the reproduction mode may be switched to a video-oriented reproduction mode,; conversely, if the automobile is moving, the reproduction mode may be switched to an audio-oriented reproduction mode").

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2616

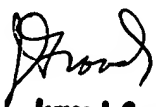
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF
30 August 2005


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2616